<u>**REMARKS/ARGUMENTS**</u>

This response is submitted in reply to the Office Action dated September 15, 2010. Claims 1-15 currently stand rejected. As explained below, however, Applicants respectfully submit that the claims are directed to statutory subject matter, definite, and patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to clarify aspects of the claims. No new matter has been added by the amendment. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all pending claims of the present application.

A. Claims 13-15 are Directed to Statutory Subject Matter.

Claims 13-15 currently stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action indicates that claims 13-15 are directed to a computing device, which allegedly may be construed as software per se. Applicants have amended the claims to introduce a memory storing program code together with the computing device. As amended, independent claim 13, and by dependency claim 14, are clearly directed to an apparatus with hardware components which cannot constitute software per se. Further, the specification provides no indication that the computing device could be construed as software per se and the Examiner has provided no citation that would cause one of skill in the art to construe a "device" as software. Additionally, independent claim 15 is now directed to a non-transitory memory, thereby rendering the claims statutory for being directed to a machine or article of manufacture. As such, based on the amendments to the claims and remarks herein, claims 13-15 are directed to statutory subject matter and the rejection is overcome.

B. Claims 1-15 are Definite.

Claims 1-15 currently stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. In particular, the Office Action indicates that claims 1-15 are indefinite due to an alleged lack of clarity arising from recitations to "a process" and "another process." To clarify language of the claims, Applicants have amended the claims to refer to "a first process" and "a second process." Therefore the rejection of claims 1-15 is overcome.

C. Claims 1, 5, and 15 are Novel.

Claims 1, 5, and 15 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,802,590 to Draves. However, Draves fails to anticipate the claims because Draves does not teach each and every feature of the claims.

Independent claim 1, and similarly independent claims 13 (which has been amended similar to claim 1) and claim 15, recite "inhibiting further access by the first process to the resource after use of the resource by the first process, arising from the allocation of the handle, has been terminated." In this regard, the independent claims indicate that the first process is inhibited or prevented from re-using the handle to access the resource after having already used the handle to access the resource for the original purpose. Draves fails to teach or suggest this feature of the claims.

Draves describes an operating system that relies upon handle/key pairs and a system-wide resource table to establish security between processes and resources. To generate a handle/key pair, an Allocation Resource Routine creates a randomly-generated key. Draves Col. 4, Lines 64-66. The key is then used to determine a handle via a hashing function. The handle is used as an index in the resource table. Draves Col. 5, Lines 13-15. This handle/key pair is then furnished to a process (a client process) for use to access a related resource. Draves Col. 5, Lines 32-36. When it is necessary to access the resource, the process passes the handle/key pair to the kernel and the kernel verifies the key and the handle against the resource table to ensure that the process has authorization to access the resource. Draves Col. 5, Lines 37-61. The kernel then grants or denies access based on the comparison to the resource table. Draves Col. 5, Lines 37-61. As described by Draves, one important aspect is the ability to re-use the handle for future accessing of the resource without the need to re-generate the handle using the hashing function. Draves Col. 5, Lines 58-61.

Having described the functionality described in Draves generally, the question turns to whether Draves discloses "inhibiting further access by the first process to the resource after use of the resource by the first process, arising from the allocation of the handle, has been terminated" as recited in the claims. In support of the standing rejection, the Office Action cites to a portion of Draves that describes resource deallocation. In this regard, Col. 5, Line 62 to Col.

6, Line 2 describes the operations performed to deallocate a resource that is no longer needed and therefore the resource can be released to be used for other purposes. This portion of Draves appears to bear no relationship to the inhibiting of a process to re-access a resource after having already used the resource, via the handle that was allocated for a specific purpose as recited in the claims. Draves is not describing the subsequent restriction on the process to access an existing resource, but is rather merely describing the releasing, and therefore elimination, of the resource. These concepts are clearly quite different because, within the context of Draves, there is no "inhibiting" being performed because the resource no longer exists to protect.

The Office Action also cites to Col. 5, Lines 50-51 for teaching or suggesting this subsequent inhibiting feature recited in the claims. However, this portion of Draves merely describes the authorization process that is performed by the kernel when access to the resource is requested via a handle/key pair as described above. Nothing in this portion of Draves indicates that subsequent attempts to access the resource are being considered. Only the handle/key pair is used for authorization in Draves.

Not only does Draves fail to describe anything akin to this subsequent inhibiting feature of the claims, it appears that Draves touts the advantages of subsequent reuse of the handle/key pair in clear contradiction to the content of the claims. As mentioned above, use of the handle/key pair allegedly avoids the need to engage in the processing overhead of using a hashing function to repeatedly create a handle, by simply reusing the handle. There is nothing in Draves that describes a limitation on the reuse of the handle, particularly since one of the goals of Draves is to avoid the need to regenerate the handle and the processing needed to do so.

In Col. 4, Lines 20-34, Draves does describe a technique that involves resizing the resource table, which could result in a mismatch between the handle/key pair and the resource table. However, this technique of resizing is not used to inhibit access to the resource. Draves expressly describes how the kernel operates to avoid improper mismatches due to resizing of the table by relocating the resource entries within the table, through rehashing the handles based on the new table size, so that resizing operation will appear to be transparent to future attempts to access the resource using a pre-existing handle/key pair.

Thus, for at least the reasons stated above, Draves fails to teach or suggest the feature of inhibiting as recited in the claims, and may actually teach away from inhibiting by promoting the

reuse of resources due to the processing overhead savings that are realized within the context of Draves. Draves therefore fails to anticipate independent claims 1, 13, and 15, and their respective dependent claims, and the rejection of claims 1, 5, and 15 is overcome.

D. *Claims 2-4 and 6-14 are Nonobvious.*

Claims 2-4 and 6-14 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Draves in various combinations with Applicant Admitted Prior Art, U.S. Patent No. 6,601,102 to Eldridge, U.S. Patent No. 6,971,017 to Stringer, U.S. Patent Publication No. 2003/0200436 to Eun, and U.S. Patent No. 6,934,757 to Kalantar. However, the cited combination relies upon Draves for disclosing the same features as described above with respect to the anticipation rejection. Since Draves fails in this regard, and the other cited references do not cure the deficiencies of Draves (nor are they cited for this purpose), independent claim 13 and dependent claims 2-4, 6-12, and 13-14 are patentable over the cited combination due at least to the failures of Draves. The rejections of claims 2-4 and 6-14 are therefore overcome.
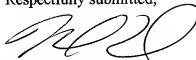
CONCLUSION

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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